

Middle District of Georgia

FILED '21 04 15 AM 09:53 MDGA-ALB

Appendix A

Klara D. Davis

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Case No. 1:21-CV-62
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

B&B Inc. DBA Blackbeards Seafood

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Klara D. Davis
2604 Deyon Dr.
Albany, Dougherty County
Georgia 31721
229-349-8587
Klara.Kennbrew89@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Street Address

B&B Inc. DBA Blackbeards Seafood
Manager (Brian Mums)
2200 N. Slappey Blvd
19 Albany, GA 31701

(9/16) Complaint for a Civil Case

City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Defendant No. 2

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Defendant No. 3

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Defendant No. 4

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The eEOC is representing me.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff. (name) Kiana D. Davis is a citizen of the
State of (name) Albany GA, 2604 Devon Dr. 31721

b. If the plaintiff is a corporation

The plaintiff. (name) _____ is incorporated
under the laws of the State of (name) _____
and has its principal place of business in the State of (name) _____

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant. (name) _____ is a citizen of
the State of (name) _____ . Or is a citizen of
(foreign nation) _____

b. If the defendant is a corporation

The defendant. (name) _____ is incorporated under
the laws of the State of (name) _____ and has its
principal place of business in the State of (name) _____
Or is incorporated under the laws of (foreign nation) _____
and has its principal place of business in (name) _____

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

He was charged with assault to employee And Discrimination of race. I feel like I should get at least up to 200,000 I've been suffering with Anxiety, Car Rest, Stomach pain, etc.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I Kiya Davis, was assaulted by my manager (Brian Williams) at Blackbeards. He hit me with a broom and dust pan in my stomach. And also put his index finger and mashed me in my forehead in front of customers, an coworkers.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I've been struggle since this incident, me and my kids had to leave where we was go to them telling me not to come back to there job. Do to what happen to me.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/14/21

Signature of Plaintiff

Printed Name of Plaintiff

Kyara D. Davis
Kyara D. Davis

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

CERTIFICATE OF SERVICE FORMAT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing N/A
(Name of pleading)

was mailed/delivered to _____ at _____
(Name of defendant(s) or defendant's attorney) (Physical or E-Mail Address)

(Signature and date)

(Address)

(Phone Number)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Klara Davis**
2604 Dezon Dr
Albany, GA 31721

From: **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2020-11036

Larry E. Satterwhite, Sr.
Investigator

(404) 562-6855**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Derick Newton

Digitally signed by Derick Newton
 DN: cn=Derick Newton, o=ATDO, ou=EEOC,
 email=derick.newton@eoc.gov, c=US
 Date: 2020.08.31 11:00:36 -0500

For

8-21-2020

Enclosures(s)

Darrell E. Graham,
District Director

(Date Mailed)

cc:

HR Manager
B&B INC. DBA BLACKBEARDS SEAFOOD
2209 N. Slappy Boulevard
Albany, GA 31701

04/14/21

To Whom It Might Concern I
 Kiara D. Davis I was Offended, embarrassed,
 hurt, I've cried many nights over the
 action of (Brian Williams) of Blackbeards,
 Whom was a manager, I didn't feel that
 NO Manager would treat a hard working
 employee the way he did me, hitting me
 with a Broomstick, And Dustpan, and
 Mashing me in my face with his Index
 finger. However I thought my case was
 finished by now. But was giving the wrong
 information to send my complaint to the
 location in Macon. But as of today 04/13/21
 I Reached out to find out that my case was
 Dismissed Due to the information was sent
 to Macon. The last notice I Received was
 02-10-21, Say that they had a Extended
 Microtomy date until 04/04/21. Therefore
 I called And spoke to a Clerk in Middle
 Georgia Concerning my paperwork, And was
 told It was Dismissed SO the Clerk gave
 me the information to the one in Albany GA.
 I called And spoke with someone in
 front office, After Discussing what
 happens. And we told me to Come in
 and ReFile my case. But in my waiting.
 I've been what a Job leaning on my
 parents

for help with my bus. And with taking
care my children and my needs to live.
Although I've been through all the changes
I know God haven't left me; I know
I had to go through to get through.
Now I understand while the words was
said, so in my closing I will stand
until my changes come. Thank you.

Klara D. Davis
May God Bless you!